

EXHIBIT B



1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ALABAMA,
3 SOUTHERN DIVISION

4
5 CIVIL ACTION NO. 2:05-CV-527-F

6
7 GERALD RUHNOW, CONNIE RUHNOW,
8 Plaintiffs,

9 vs.

10 LANE HEARD TRUCKING, LLC,
11 et al.,

12 Defendants.

13
14 DEPOSITION
15 OF
16 JIMMY LANE HEARD
17 April 21, 2006

18
19 Taken before:

20 Michael L. Lowery

21
22 Certified Shorthand Reporter
23 and Notary Public

EXHIBIT

B



1 documents?

2 A. I know when to change the oil.

3 I keep the mileage down.

4 Q. So the only documents you might
5 have ever done, ever had, would have
6 been documents reflecting when you
7 changed the oil?

8 A. Correct.

9 Q. Your wife has testified that
10 you did -- or do the maintenance on all
11 your trucks?

12 A. Right.

13 Q. What kind of truck was involved
14 in this wreck?

15 A. A Freightliner.

16 Q. What year was it, what model?

17 A. 2001.

18 Q. How long had you had it?

19 A. That I don't remember.

20 Q. But you bought it used?

21 A. Oh, yeah, used.

22 Q. Other than you, Mr. Heard, had
23 anyone performed any maintenance on this



1 truck?

2 A. No.

3 Q. Can you tell me -- if this
4 wreck happened in 2005, can you tell me
5 if you had had the truck for as long as
6 two years?

7 A. No.

8 Q. Had you had it as long as a
9 year?

10 A. No.

11 Q. So some number of months?

12 A. I want to think it was around
13 August, but not sure.

14 Q. I understand. But in that
15 time, you had it somewhere around six to
16 eight months?

17 A. Maybe.

18 Q. Ish?

19 A. Yeah.

20 Q. It had made several trips?

21 A. Oh, yeah.

22 Q. Other than changing the oil,
23 had you performed -- first of all, had



1 anybody else performed any maintenance
2 on it at all?

3 A. No.

4 Q. Since you owned it?

5 A. No.

6 Q. Other than changing the oil,
7 had you performed any maintenance on it?

8 A. Whatever it needs.

9 Q. And that's what I'm asking.
10 what had it needed?

11 A. Well, just tires, turbo.

12 Q. Turbo?

13 A. Injectors, brakes.

14 Q. Do you have any documents that
15 would reflect that work that was done on
16 this truck?

17 A. No.

18 Q. When one of your trucks is
19 going to take a load from New Albany
20 down to Tamarac, does someone perform a
21 pretrip inspection on the truck before
22 it leaves New Albany?

23 A. The driver is supposed to.



1 A. That I don't know.

2 Q. Your wife mentioned that you
3 had seen Mr. Duke -- strike that. Do
4 you know if the lights were working on
5 this truck on the day of the wreck? I
6 don't mean did he have them on when the
7 wreck happened. I mean when he left
8 Miami, as far as you know, were the
9 lights operational?

10 A. Supposed to have been.

11 Q. As far as you know, did the
12 brakes work?

13 A. Yes.

14 Q. Your wife indicated that you
15 had said you saw Mr. Duke on the day
16 that this wreck occurred?

17 A. Yes.

18 Q. What time was it when you saw
19 him?

20 A. I think it was around nine
21 o'clock. I ain't for sure.

22 Q. That morning?

23 A. That morning.



1 Q. What were the circumstances
2 that you saw him?

3 A. Me and a friend was come to get
4 a trailer to get worked on. They tore
5 the doors off out there.

6 Q. At Kevin Charles?

7 A. At Kevin Charles.

8 Q. What was Mr. Duke doing when
9 you saw him?

10 A. Getting ready to leave out.

11 Q. Was he in the truck?

12 A. No.

13 Q. Had he hooked up to whatever
14 load he was pulling?

15 A. I don't think so.

16 Q. And you think it was around
17 nine when you saw him?

18 A. I think it was around nine,
19 uh-huh.

20 Q. Can you tell me when he left
21 Kevin Charles?

22 A. That I don't know.

23 Q. Will that be documented at



1 Kevin Charles?

2 A. No.

3 Q. They won't have anything
4 showing when he pulled away?

5 A. No.

6 Q. Do you still drive?

7 A. Yes.

8 Q. And make this trip from New
9 Albany to Miami or to Tamarac?

10 A. Yes.

11 Q. It's a sixteen-hour drive?

12 A. Down there, yeah.

13 Q. Is it not sixteen back, a
14 little shorter coming back?

15 A. No, most of it is longer.

16 Q. Why is that?

17 A. It just seems that way.

18 Q. How do you break it up, or do
19 you?

20 A. Well, you know, the general
21 thumb is if you get sleepy, you go to
22 bed.

23 Q. Are there any requirements for



1 A. We tell them which way to go
2 most of the time.

3 Q. And is it always the same way?

4 A. Most of the time.

5 Q. And that includes, of course,
6 this stretch of 231?

7 A. 231.

8 Q. So after working for you for a
9 while the drivers become pretty familiar
10 with the route, because it's the same
11 route that they take every time?

12 A. Yes.

13 Q. Do you -- when you first hire
14 drivers, do you go with them on their
15 first trip?

16 A. No, no, sir.

17 Q. You just tell them how to get
18 there and send them on?

19 A. Right.

20 Q. Tell me about the road test
21 that you gave Mr. Duke.

22 A. We just went about thirty miles
23 there and back.



1 Q. Thirty miles just on the road
2 around New Albany?

3 A. On the road, yeah, Interstate
4 78.

5 Q. Fifteen out, fifteen back?

6 A. Thirty out and thirty back.

7 Q. And during that road test, did
8 you get him to perform certain things
9 that would be required of him once he
10 becomes a driver, or did he just drive
11 out and back?

12 A. You can watch and sort of tell.

13 Q. Did you receive any training on
14 how to perform the road test, or is that
15 just based on your experience as a
16 driver?

17 A. My experience.

18 Q. Have you, Mr. Heard, spoken
19 with anybody who indicated to you that
20 they had information about how this
21 wreck occurred?

22 A. No, just -- no, huh-uh.

23 Q. What were you going to say?



1 see a burned spot in the road.

2 A. That's where I've been told.

3 Q. How many times do you figure
4 you have made this trip over the years?
5 Hundreds?

6 A. I don't know, seventy-five,
7 eighty.

8 Q. How often -- do you do it just
9 when you can't get another driver to do
10 it, or are you in the normal rotation?

11 A. Depending on my maintenance.

12 Q. Explain that to me.

13 A. If a truck needs to be worked
14 on, I don't go.

15 Q. And if it does, then you just
16 take it when it's your turn?

17 A. Right.

18 Q. Have you ever had any problem
19 with visibility in this area of 231?

20 A. It's a black road, a very black
21 road.

22 Q. What do you mean by it's a
23 black road?



1 A. Probably three hundred yards.

2 Q. What is the speed limit right
3 there? Do you know?

4 A. Fifty-five.

5 Q. Had Mr. Duke given you any
6 trouble between when you first hired him
7 and when this wreck happened?

8 A. No.

9 Q. You hadn't had to sit him down
10 and have a conversation about something
11 that he had done or failed to do?

12 A. No.

13 Q. Any tickets or moving
14 violations?

15 A. Not to my knowledge.

16 Q. Is there something you do as an
17 owner of a trucking company, other than
18 when they are hired? Do you
19 periodically try to keep up with whether
20 or not your drivers have gotten tickets
21 or things of that nature?

22 A. They are supposed to tell us.

23 Q. But do you go behind that, or



1 A. It was a driver at Cotton Plant
2 Trucking. I can't think of his name
3 right now. Can I call you back?

4 Q. What did you say, Cotton?

5 A. Cotton Plant Trucking.

6 Q. Where are they out of?

7 A. Across the road from Kevin
8 Charles.

9 Q. You might have already said
10 this, and I just missed it. Is Kevin
11 Charles Furniture, is that in New
12 Albany, too?

13 A. Correct.

14 Q. Besides Mr. Duke, who all drove
15 this truck?

16 A. Who all drove it?

17 Q. Yes. From the time you came
18 into possession of it sometime about
19 August of '04 until this wreck, who all
20 had driven this truck besides Mr. Duke?

21 A. Champ Finley drove it. Glenn
22 Lyons drove it. David Kiddy drove it.
23 I drove it. That's probably enough.



1 morning when you saw him until seven
2 o'clock when this accident happened?

3 MS. HAMMETT: Objection to
4 form.

5 A. It was a leased trailer, and he
6 stopped by there to get some work done.
7 I do know that.

8 Q. You do know that?

9 A. I do know that.

10 Q. A leased trailer from who?

11 A. Darrell Duffy.

12 Q. Darrell Duffy. Does Darrell
13 have a business name?

14 A. Darrell Duffy.

15 Q. Okay. Is he in New Albany?

16 A. Tupelo.

17 Q. And who leases these trailers?
18 Is that the furniture company, or is
19 that you?

20 A. Kevin Charles, the first one
21 they leased.

22 Q. So this was the first trailer?

23 A. Yeah.



1 Q. Did they have problems with
2 this trailer?

3 A. No.

4 Q. Do you know what kind of work
5 Mr. Duke had done by Mr. Duffy?

6 A. Put air in a tire.

7 Q. Is that all?

8 A. To my knowledge.

9 Q. How long would that normally
10 take?

11 A. Ten minutes.

12 Q. And the reason I'm asking these
13 questions is you saw him around nine.

14 A. Correct.

15 Q. This accident happened about
16 ten hours later.

17 A. Correct.

18 Q. Correct? And he would have
19 only traveled five hours on the road.

20 A. Logging time.

21 Q. So where do you think he was
22 those other five hours?

23 MS. HAMMETT: Object to the



1 A. No.

2 Q. And so he hooked the trailer
3 up. Did he drive any with the trailer
4 hooked up?

5 A. Pulled up in the parking lot.

6 Q. In other words, he hooked the
7 trailer up and just moved forward some
8 distance?

9 A. Correct, checking the brakes.

10 Q. How far did he drive forward?

11 A. About thirty foot.

12 Q. Who did you personally talk
13 with about Mr. Duke's qualifications to
14 drive this truck?

15 MS. HAMMETT: Object to the
16 form.

17 A. Who did I talk to personally?

18 Q. Yes.

19 A. He works at Cotton Plant
20 Trucking. I can't think of his name.

21 Q. He's a driver there?

22 A. Yes.

23 Q. What did he tell you about



1 Mr. Duke?

2 A. He's a good guy.

3 Q. Anything else?

4 A. Could drive a truck.

5 Q. I'm sorry?

6 A. He could drive a truck.

7 Q. He could drive a truck?

8 A. Correct.

9 Q. Anything else?

10 A. No.

11 Q. Did you ask Mr. Duke on this
12 road test about his work history?

13 A. No.

14 Q. Do you know the name of any
15 other employer that ever employed
16 Mr. Duke to drive over the road?

17 A. To drive over the road?

18 Q. Right.

19 A. No.

20 Q. On the driving test, how would
21 you test someone to see if they checked
22 freight properly?

23 A. To do that, you check a seal on